

A35045-PCT-USA (076179.0101)
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Giaccia et al.
Serial No. : Not yet assigned Examiner : Not yet assigned
Filed : Herewith Group Art Unit: Not yet assigned
For METHODS AND COMPOSITIONS FOR REGULATING
ADIPOGENESIS

**PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION
FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY
UNDER 37 C.F.R. § 1.137(b)**

Express Mail Label No. ED291600682US

Commissioner for Patents
MS BOX PCT
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition to revive the accompanying above-captioned application in accordance with the provisions of 37 U.S.C. §1.137(b) as the abandonment was unintentional. This application became abandoned due to an unintentional failure to file a United States national phase application under 35 U.S.C. §371 within the thirty-month deadline for entry into the national stage in the United States for International Patent Application No. PCT/US03/06360, filed February 28, 2003, based on United States Provisional Application No. 60/360,689 which was filed on February 28, 2002.

02/24/2005 SNAJARRO 00000119 024377 10524919

06 FC:2453 250.00 DA 500.00 OP

NY02:512385.1

The entire delay in filing the accompanying application was unintentional. Attorney for Applicant had mistakenly believed that the Applicant did not wish to pursue the national stage filing. The issue only came to the attention of Attorney for Applicant in December 2004 when Applicant, apparently believing that such a filing under 35 U.S.C. §371 had been made, wrote requesting status. Since then, Attorney for Applicant has diligently sought the required executed documents from Applicant, which was delayed by illness of an inventor.

Since this application has an international filing date of or after June 8, 1995, no terminal disclaimer is required.

Accompanying this letter is: (1) the application filed under 35 U.S.C. §371, a filing fee of \$1500, and (2) the required fee for the Petition under 37 U.S.C. §1.17(m) in the amount of \$750.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 02-4377. A duplicate copy of this page is enclosed.

Applicants respectfully request (i) that this promptly filed petition to revive the above-captioned application in accordance with 37 U.S.C. §1.137 be granted, (ii) that the revived application be accorded the benefit of a claim of priority to parent application No. PCT/US03/06360 and its filing date of February 28, 2003, and (iii) that the revived application be allowed to continue prosecution.

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Respectfully submitted,

BAKER BOTTS, LLP.

A handwritten signature in black ink, appearing to be 'P. Shen', written over a horizontal line.

Dated: February 17, 2005

Peter J. Shen
Patent Office Reg. No. 52,217

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